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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF WYOMING

In re:)	
)	Case No. 17-20001
WHALEY RANCH, LLC,)	Chapter 11
)	
Debtor.)	

**MOTION FOR ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY
AND NOTICE OF OPPORTUNITY TO OBJECT**

COMES NOW the Debtor, Whaley Ranch, LLC, pursuant to 11 U.S.C. § 362(d), Rule 4001 Fed.R.Bankr.P., and Wyoming L.B.R.4001-1, and it moves the court for an order modifying the automatic stay to permit the movant as appellant and some little bank as appellee to completely prosecute that certain state court appeal at Wyoming Supreme Court docket number (TBD) to seek the entry of a final state court order on appeal, against the proper party. This is a request to liquidate and finalize a claim and specifically requests that order of relief leave the automatic stay in place as to any and all collection actions until further order of this court.

The Movant respectfully states the following in support of this motion:

1. Whaley Ranch, LLC borrowed various sums of money from the Security State Bank between March of 2010 and January of 2015, the bank declared a non-

monetary default in 2014 and commenced a judicial foreclosure proceeding in Big Horn Country District Court and docket number 2015-000003.

2. Security State Bank has a number of security agreements and mortgages it is seeking to foreclose in the law suit which are believed to cover all of the ranch's livestock, personalty, and real estate. The debtor perceives a net positive equity in the bank's collateral and filed chapter 11 to make possible the reorganization of the ranch and the LLC's retention of some of the property.

3. One of Whaley Ranch, LLC's co-owners, Michael D. Whaley, personally guaranteed the Whaley Ranch, LLC debt to the bank. He too, was sued in the same law suit and judgment taken against him personally.

4. The District Court entered summary judgment in the favor of Security State Bank on November 2, 2016. The debtor's principle owner and its guarantor timely appealed that summary judgment asserting many untried issues of a factual nature, the allowance of excessive and unreasonable attorney fees, and the order's failure to provide any direction as to how liquidation should occur marshaling the order of any sales, of real and personal property, all as reversible error.

5. Whaley Ranch, LLC is fairly reorganizable and will proceed to confirm a chapter 11 plan with due haste in the fullest of good faith. The liquidation of its claims

against the bank and the bank's claims against the debtor is a prerequisite to pay out in reorganization and or foreclosure if the chapter 11 fails. Since the cost of the process is funded by non-estate party the litigation should be allowed to run its course with both parties free to act on the appeal to its finality. It is anticipated Mr. Whaley's state court counsel would continue with this appeal effort and keep the Debtor in Possession advised of progress, as Mr. Whaley and Whaley Ranch, LLC's interests are identical.

WHEREFORE, it is respectfully requested that this court enter an order granting relief from the automatic stay and to permit Whaley Ranch, LLC's right to be adjudicated in the Wyoming Supreme Court and any subsequent court made necessary by that court's ruling to finality while this case proceeds as the court deems just or necessary. Such an order should make clear that no action to enforce any final judgment against the debtor of the estate shall be permitted without further order of this court.

DATED this 6th day of January, 2017.

Respectfully submitted,

/s/Ken McCartney
Ken McCartney 5-1335
Counsel for the Debtor
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**NOTICE OF MOTION FOR ORDER GRANTING RELIEF
FROM AUTOMATIC STAY**

YOU ARE HEREBY NOTIFIED that the foregoing Motion for Order Granting Relief from Automatic Stay, has been filed with this Court. YOU ARE NOTIFIED THAT IF YOU DESIRE to oppose this motion, you must file with the Court and serve on the undersigned and the Trustee in the case, a written objection to the requested relief on or before January 23, 2017. In the absence of a timely objection, the relief sought may be granted by the Court without further hearing. If you file a written response, the Court will set the matter for, and provide notice of, a hearing.

DATED this 6th day of January, 2017.

Respectfully submitted,

/s/Ken McCartney

Ken McCartney, 5-1335

Counsel for Whaley Ranch, LLC

CERTIFICATE OF SERVICE

The undersigned does certify that on the 6th day of January, 2017, a true and correct copy of the above and foregoing MOTION FOR ORDER GRANTING RELIEF FROM AUTOMATIC STAY, WITH NOTICE OF MOTION FOR ORDER GRANTING RELIEF FROM AUTOMATIC STAY, and proposed order was addressed and served as follows:

U.S. Trustee (Electronic)

Randy Royal (Electronically)
Counsel for Security State Bank

/s/ Ken McCartney
Ken McCartney